

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MULLER AUTOMOTIVE, INC. d/b/a/
TEAM TOYOTA OF PRINCETON**

and

Case 22-CA-191253

**UNITED SERVICE WORKERS UNION
LOCAL 355, INTERNATIONAL UNION
OF JOURNEYMAN TRADES AND
ALLIED TRADES**

ORDER¹

The Employer's Petition to Revoke subpoena duces tecum B-1-XDQNJH is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., March 20, 2018.

MARVIN E. KAPLAN,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² To the extent that the Employer asserts that no responsive evidence exists for certain subpoena paragraphs, it is not required to produce subpoenaed evidence that it does not possess, but the Employer is required to conduct a reasonable and diligent search for all requested evidence, and as to requested evidence that the Employer determines it does not possess, the Employer must affirmatively represent to the Region that no responsive evidence exists.